

JOURNAL OF THE HOUSE.

Wednesday, November 16, 2005.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Appointment to a Special Commission.

After and Out-of-
School-Time
Commission.

The Speaker announced the appointment of Representative Paulsen of Belmont as the designee of the House Chair of the committee on Children and Families to the special commission established (under section 2 of chapter 45 of the Acts of 2005) to make an investigation and study of methods to better coordinate, expand, finance, and improve accessible, affordable, quality out-of-school time programming for school age children in all settings.

Statement of Representative Koczera of New Bedford.

A statement of Mr. Koczera of New Bedford was spread upon the records of the House, as follows:

Statement of
Representative
Koczera of
New Bedford.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Thursday November 10, and a portion of the sitting of Monday, November 14, due to personal business outside of the Commonwealth. Any roll calls that I missed on those days was due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

John
Norton.

Resolutions (filed by Mr. Jones of North Reading) honoring John Norton on the occasion of being named as Outstanding Citizen by the Reading-North Reading Chamber of Commerce;

Arthur
James
Triglione.

Resolutions (filed by Mr. Jones of North Reading) honoring Arthur James Triglione on the occasion of being named as Outstanding Citizen by the Reading-North Reading Chamber of Commerce;

New England
Center for
Children.

Resolutions (filed by Mr. LeDuc of Marlborough) honoring the New England Center for Children on their thirtieth anniversary;

Rita
LaPointe.

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Rita LaPointe on the occasion of her eightieth birthday; and

National
Adoption
Month.

Resolutions (filed by Representatives Teahan of Whitman, DiMasi of Boston, Canavan of Brockton, Creedon of Brockton and Kennedy of Brockton) recognizing National Adoption Month in Massachusetts;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Jones, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A Bill to control the use of methamphetamine (Senate, No. 2183, amended in section 1, in line 18, by striking out the following: "18 years of age or older"; and in section 2, in line 38, by inserting after the word "methamphetamine" the words "or attempts to manufacture methamphetamine") (on Senate, No. 1140), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Methampheta-
mine.

A Bill relative to the recycling of ink cartridges (Senate, No. 534) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Ink
cartridges,
recycle.

A petition of Stanley C. Rosenberg and Ellen Story for legislation relative to the Hampshire County Housing Authority, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Hampshire
County,
housing
authority.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2283) was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Lewis G. Evangelidis and Robert A. Antonioni that the Division of Capital Asset Management and Maintenance be authorized to convey certain land in the town of Sterling to the Sterling Greenery. Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

Sterling
Greenery,
land
conveyance.

Subsequently, the Senate having concurred, Mr. Flynn of Bridgewater, for said committee, reported on the foregoing petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Sterling (House, No. 4507). Read; and referred, under Rule 33, to the committee on Ways and Means.

Mr. DeLeo of Winthrop, for said committee, reported that the bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Sterling
Greenery,
land
conveyance.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Evangelidis of Holden, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Marzilli of Arlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the following bill and resolve ought to pass:

Bill establishing a task force within the Board of Registration in Medicine to study medical spas (Senate, No. 2191, amended); and

Resolve relative to the establishment of an alcohol commission (House, No. 3945, changed);

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Medical
spas.

Alcohol
commission,
establish.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill creating a nursing advisory board (House, No. 2678, changed in section 2 by inserting at the end of line 12 the following:

“(iv) ‘Public Health’ — population-based health assessment and control.

(v) ‘School Health’ — health care services provided to students and their families, and employees in educational institutions.”; in line 30, by inserting after the word “care,” the words “public health, school health,”; and in line 40 by inserting after the word “nurses” the words “in all settings and services listed in the previous paragraph”). Read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

Nursing
advisory
board.

Recesses.

At fourteen minutes after eleven o’clock A.M., on motion of Mrs. Walrath of Stow (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before two o’clock P.M.; and at nine minutes before two o’clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Petrucci of Boston, until a quarter after two o’clock; and at twenty-three minutes after two o’clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recesses.

Papers from the Senate.

The House Bill promoting access to health care (House, No. 4479) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2282; and striking out the title and inserting in place thereof the follow-

Health care,
access.

ing title: “An Act providing for health access, affordability and accountability.”.

Under suspension of the rules, on motion of Mrs. Walrath of Stow, the amendments were considered forthwith.

The House then non-concurred with the Senate in its amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Walrath, Mariano of Quincy and Hargraves of Groton were appointed as the committee on the part of the House. Sent to the Senate to be joined.

Committee of
conference.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendments, and concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Moore, Murray and Lees had been joined as the committee on the part of the Senate.

A Bill authorizing the town of Webster to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (Senate, No. 2274) (on Senate, No. 2246) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Webster,
liquor
license.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Kujawski of Webster, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

The House petition of Brian P. Wallace for legislation to classify certain medications containing controlled release oxycodone as Class A control substances, came from the Senate with the endorsement that said branch had concurred with the House in the suspension of Joint Rule 12; and non-concurred with the House in its reference to the committee on the Judiciary. The petition bore the further endorsement that it had been referred, in non-concurrence, to the committee on Mental Health and Substance Abuse.

Oxycodone,
classify.

On motion of Mr. O’Flaherty of Chelsea, the House then insisted on its reference to the committee on the Judiciary. Sent to the Senate for its action.

A petition of Steven A. Tolman for legislation relative to controlled-release oxycodone, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Mental Health and Substance Abuse.

Oxycodone,
controlled
release.

The House concurred with the Senate in the suspension of said rule; and, on motion of Mr. O’Flaherty of Chelsea, non-concurred with the Senate in its reference to the committee on Mental Health and Substance Abuse.

The petition then was referred, in non-concurrence, on further motion of the same member, to the committee on the Judiciary. Sent to the Senate for its action.

Hydromorphone.

A petition of Steven A. Tolman for legislation relative to controlled-release hydromorphone came from the Senate referred, under suspension of Joint Rule 12, to the committee on Mental Health and Substance Abuse.

The House concurred with the Senate in the suspension of said rule; and, on motion of Mr. O'Flaherty of Chelsea, non-concurred with the Senate in its reference to the committee on Mental Health and Substance Abuse.

The petition then was referred, in non-concurrence, on further motion of the same member, to the committee on the Judiciary. Sent to the Senate for its action.

Opioid overdose reporting.

A petition of Steven A. Tolman, Kerry Murphy Healey, Lieutenant-Governor, Thomas M. McGee, Brian P. Wallace for legislation relative to substance abuse and mandatory opioid overdose reporting, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Mental Health and Substance Abuse.

The House concurred with the Senate in the suspension of said rule; and, on motion of Mr. Koutoujian of Waltham, non-concurred with the Senate in its reference to the committee on Mental Health and Substance Abuse.

The petition then was referred, in non-concurrence, on further motion of the same member, to the committee on Public Health. Sent to the Senate for its action.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Hydromorphone, classify.

Petition (accompanied by bill) of Brian P. Wallace relative to the classification of controlled release hydromorphone under the controlled substances laws. To the committee on the Judiciary.

Minors, drug overdoses.

Petition (accompanied by bill) of Brian P. Wallace relative to mandatory reporting by physicians of the treatment of minors for drug overdoses. To the committee on Mental Health and Substance Abuse.

Under suspension of the rules, on motion of Mr. Wallace of Boston, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Dental/vision services.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill relative to dental and vision care services (House, No. 4480) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Walrath, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Mariano of Quincy, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill releasing certain land in the city of Northampton from the operation of an agricultural preservation restriction (House, No. 1270) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Northampton, agricultural land.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Jones of North Reading, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Torrissi of North Andover, for the committee on Community Development and Small Business, on House, No. 3673, a Bill relative to consumer protection (House, No. 4504) [Representative Gomes of Harwich dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Consumer protection.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Torrissi, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to written majority authorization cards, petitions and other written evidence of collective bargaining results (House, No. 429) be scheduled for consideration by the House.

Collective bargaining.

Under suspension of Rule 7A, on motion of Mr. Leary of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

Orders of the Day.

The Senate Bill relative to the financing and construction of a public parking garage and other improvements in the city of Worcester (Senate, No. 2172, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third reading bill.

Senate bills

Relative to disability retirement benefits for veterans (Senate, No. 2035, amended); and

Third reading bills.

Establishing a project mitigation contribution ("linkage") program for affordable housing in the city of Somerville (Senate, No. 2044, amended);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence. Severally sent to the Senate for concurrence in the amendments previously adopted by the House.

House bills

Authorizing Peter Jakub Jegorow to take the civil service examination for the position of firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 295);

Relative to payroll deductions for employees of the University of Massachusetts (House, No. 1256) (its title having been changed by the committee on Bills in the Third Reading);

Designating a certain bridge in the Hyde Park section of the city of Boston as the Joseph M. Kearney Bridge (House, No. 1694) (its title having been changed by the committee on Bills in the Third Reading);

Designating a certain bridge in the Hyde Park section of the city of Boston as the Thomas J. Geraghty Bridge (House, No. 1695) (its title having been changed by the committee on Bills in the Third Reading);

Designating a certain rest area in the town of Barnstable as the Korean War Veterans Memorial Rest Area (House, No. 1984);

Relative to the membership of the Salem and Beverly Water Supply Board (House, No. 3595);

Authorizing Julio Perez to take the civil service examination for the position of firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 4119);

Authorizing the town of Brewster to establish an affordable housing fund (House, No. 4130);

Establishing the office of finance director in the city of Northampton (House, No. 4186, changed);

Establishing a department of public works in the town of West Newbury (House, No. 4271);

Authorizing the town of Arlington to establish another postemployment benefits trust fund (House, No. 4272);

Authorizing certain by-laws relative to the town of Wellesley (House, No. 4295) (its title having been changed by the committee on Bills in the Third Reading);

Establishing the Concord Housing Development Corporation (House, No. 4320);

Establishing a sick leave bank for Maureen A. Sullivan, an employee of the Massachusetts Parole Board (House, No. 4357);

Relative to construction of sewer system extensions in the town of Concord (House, No. 4364);

Authorizing the towns of Fairhaven, Marion, Mattapoisett and Rochester to make certain conveyances of well field and water supply and protection land to the Mattapoisett River Valley Water District (House, No. 4379); and

Relative to the mortality table for public employees (House, No. 4424) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third
reading
bills.

Recess.

At thirteen minutes before five o'clock P.M., on motion of Mr. Wagner of Chicopee (Mr. Petrolati of Ludlow being in the Chair), the House recessed until twenty minutes after five o'clock; and at twenty-three minutes before six o'clock the House was called to order with Mr. Petrolati in the Chair.

Paper from the Senate.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of West Springfield (Senate, No. 2180, amended in section 1, in line 3, by striking out the following: "section 40F and section 40F 1/2" and inserting in place thereof the following: "sections 40F, 40F 1/2 and 40H", in line 7, by striking out the word "for" and inserting in place thereof the words "to enhance, connect and expand the", and by adding at the end of said section the following paragraph:

The exact boundaries of the parcel shall be determined by the commissioner after completion of a survey."; and in section 2, in lines 2, 3, 6 and 7, by inserting before the word "agreement", in each instance, the words "discontinuance of public way and release deed or", and in line 11, by striking out the words "state administration" and inserting in place thereof the words "bonding, capital expenditures and state assets".) (on Senate, No. 38), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Mr. DeLeo of Winthrop, for said committee, reported that the bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Welch of West Springfield (Mr. Tobin of Quincy being in the Chair), the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of Mr. Welch, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Engrossed Bills.

Mr. Petrolati of Ludlow being in the Chair,—

The engrossed Bill authorizing the appointment of retired police officers in the town of Weymouth to serve as special officers (see House, No. 4344, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Relative to disability retirement benefits for veterans (see Senate, No. 2035, amended);

West
Springfield,
land.

bill
re-enacted.

bills
enacted.

Bills
enacted.

Relative to the financing and construction of a public parking garage and other improvements in the city of Worcester (see Senate, No. 2172, amended);

(Which severally originated in the Senate); and

Relative to the mortality table for public employees (see House, No. 4424) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Gate
shows.

The motion of Mr. Walsh of Boston, that the vote be reconsidered by which the House, on Monday, November 14, 2005, passed to be engrossed the House Bill relative to gate shows (House, No. 4493) was negated. The bill then was sent to the Senate for concurrence.

Municipal
boards,
meetings.

The House Bill further regulating meetings of municipal boards (House, No. 4489), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Representatives Finegold of Andover and L'Italien of Andover moved that it be amended in lines 9, 10 and 11, by striking out the the words "if the member, before voting, certifies in writing, under the penalties of perjury" and inserting in place thereof the word "provided"; and, in lines 13 and 14, by striking out the following sentence: "The written certification shall be part of the record of the hearing."

The amendments were adopted; and the bill (House, No. 4489, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Judges,
retirement
credit.

The House Bill relative to treating veterans equally under the pension laws (House, No. 3977) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill relative to creditable service for judges (House, No. 4496),— was adopted.

The substituted bill then was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Tobin of Quincy, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 4496) then was sent to the Senate for concurrence.

Organ
and tissue
donation.

The Senate Bill relative to organ and tissue donations (Senate, No. 2236) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 7, by inserting after the word "thereof" the following: "provided, however, that any applicant under 18 years of age shall provide the registrar with the written consent, in such form as the registrar shall determine, of a parent or guardian before the applicant is eligible to become an organ or tissue donor. If an applicant under 18 years of age elects not to seek the consent of a parent or guardian, a judge

of the superior court department of the trial court shall, upon petition, or motion, and after an appropriate hearing, authorize the registrar to accept the applicant as an organ or tissue donor. When each applicant attains the age of 18 the registrar shall provide him with written or electronic notice of the opportunity to become an organ or tissue donor." — was rejected.

The bill (Senate, No. 2236) then was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mrs. Gomes of Harwich, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

The House report of the committee on State Administration and Regulatory Oversight, ought NOT to pass, on the petition (accompanied by bill, House, No. 3510) of Shirley Gomes and Susan W. Pope that cities and towns be exempt from provisions of the prevailing wage law, was accepted.

Prevailing
wage law.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the city of Brockton to convey certain park land (see House, No. 4470) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Brockton,
park land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),
yea and nay
No. 304.

[See Yea and Nay No. 304 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Winchendon to use a portion of a certain parcel of public park land for library purposes (see Senate, No. 2151, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Winchendon,
library
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),
yea and nay
No. 305.

[See Yea and Nay No. 305 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Spencer to lease certain property (see House, No. 3230, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Spencer,
property
lease.

Bill enacted
(Land taking),
yea and nay
No. 306.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 306 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Reports of Committees.

Senior
tax relief.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to senior tax relief (House, No. 2511) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Binienda of Worcester, the bill was read a second time forthwith.

Bill ordered
to a third
reading,
yea and nay
No. 307.

After debate on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 307 in Supplement.]

Therefore the bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Jones, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill.

Motion
picture
industry.

The engrossed Bill providing incentives to the motion picture industry (see House, No. 4252, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted,
yea and nay
No. 308.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. O'Brien of Kingston; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 308 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Smart
growth
zoning.

The Senate Bill relative to smart growth zoning and housing production (Senate, No. 2237) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4495,— was adopted.

The bill (Senate, No. 2237, amended) then was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Honan of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. DeLeo of Winthrop and other members of the House moved that it be amended in section 1, at the end of proposed section 2 of Chapter 40S, by adding the following two sentences: "The department of education shall add the smart growth school cost reimbursement amounts to each district's required net school spending, as defined in chapter 70. For purposes of the net school spending calculation, the department shall allocate a municipality's smart growth school cost reimbursement among the districts to which it belongs in proportion to the number of eligible students from the municipality attending each district.", in proposed section 3 of Chapter 40S, in the first paragraph, in the first sentence, by striking out the words "associated with the smart growth zoning district" and inserting in place thereof the words "of new smart growth development within each smart growth zoning district", in the second paragraph, by striking out the second sentence contained therein and inserting in place thereof the following sentence: "The reporting officer shall transmit the smart growth address list to the superintendent of each district or charter school in which local residents were enrolled as of the first day of October.", in the third paragraph, in the first sentence, by striking out the words "smart growth zoning districts" and inserting in place thereof the words "new smart growth development within a smart growth zoning district", in the fourth paragraph, by striking out the first sentence and inserting in place thereof the following sentence: "The reporting officer shall provide the smart growth address list to the municipality's assessors, who shall be responsible for providing the reporting officer with a compilation of all commercial and residential development comprising new smart growth development in the smart growth zoning district and all vehicles garaged therein.", in the second sentence, by striking the words "Said list shall contain the addresses" and inserting in place thereof the words "Said compilation shall contain the addresses of each parcel", and in proposed section 4, in the first paragraph, in the second sentence, by striking out the words "as a result of the smart growth school cost reimbursement".

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Honan of Boston; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,
yea and nay
No. 309.

[See Yea and Nay No. 309 in Supplement.]

Therefore the bill (Senate, No. 2237, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Recesses.

Recesses.

At twenty-nine minutes before seven o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter after seven o'clock; and at twenty-six minutes after eight o'clock the House was called to order with Mr. Rogers of Norwood in the Chair.

The House thereupon took a further recess, on motion of Mr. Kujawski of Webster, until five minutes before nine o'clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

*Suspension of Rule 1A.*Suspension
of Rule 1A.

The Chair (Mr. Petrolati of Ludlow) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Rule 1A
suspended,
yea and nay
No. 312.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 123 members voted in the affirmative and 28 in the negative.

[See Yea and Nay No. 312 in Supplement.]

Therefore Rule 1A was suspended.

*Engrossed Bill — Land Taking.*Falmouth,
conservation
land.

The engrossed Bill authorizing certain conservation land in the town of Falmouth (see House, No. 4133, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),
yea and nay
No. 310.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 310 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

MassHealth.

The House Bill requiring public notice prior to restricting MassHealth (House, No. 4284) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Bill passed to
be engrossed,
yea and nay
No. 311.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Scibak of South Hadley; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 311 in Supplement.]

Therefore the bill (House, No. 4284) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill increasing the amount of benefit to children who are survivors in the case of an accidental death benefit (House, No. 13) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Accidental
death
benefits.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Golden of Lowell; and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,
yea and nay
No. 313.**[See Yea and Nay No. 313 in Supplement.]**

Therefore the bill (House, No. 13) was passed to be engrossed. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill relative to heating energy assistance and tax relief (House, No. 4473, amended) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

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Striking out section 2 and inserting in place thereof the following section:

"SECTION 2.**DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT.***Department of Housing and
Community Development.*

7004-1000

For a one-time state supplement to the federal Low Income Home Energy Assistance Program 42 U.S.C. ?? 8621 et seq., for the purpose of assisting low-income elders, working families and other households with the purchase of heating oil, propane and natural gas and electricity and other primary or secondary heating sources; provided, that expenditure of these supplemental funds shall be made in accordance with the state plan submitted by the department of housing and community development in accordance with the federal program; and provided further, that the department shall increase any previously established maximum assistance for which a household is eligible commensurate with the increased funding provided in this item; provided further that \$5,000,000 shall be available for this program immediately and shall be available for all eligible households and \$15,000,000 shall be available for expenditure no later than January 15, 2006; provided further, that the department determines that such funds are reasonably necessary to serve eligible households; provided further, that the department may increase maximum assistance for which a household is eligible to reflect the needs of such households. In increasing benefit levels as required in this item, the department

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shall establish benefit levels reasonably designed to expend all available state and federal funds and, if federal funds to the state program are not allocated by October 1, 2005, shall establish a baseline assumption that the state will receive no less federal funding than it received in fiscal year 2005 20,000,000”;

Inserting after section 5 the following two sections:

“SECTION 5A. Section 11C of chapter 25A of the General Laws, as so appearing, is hereby amended by striking out subsections (a) to (e), inclusive, and inserting in place thereof the following 12 subsections:—

(a) As used in this section, the following words shall have the following meanings:—

‘Eligible’, able to meet all requirements for offerors or bidders set forth in this section including, without limitation, being certified by the division of capital asset management and maintenance as eligible to provide Energy Management Systems services and not debarred from bidding under section 44C of said chapter 149 or any other applicable law.

‘Energy conservation measures’, measures involving modifications or maintenance and operating procedures of a building or facility and installations therein, which are designed to reduce energy consumption in such building or facility, or the installation, modification of an installation in a building or facility which is primarily intended to reduce energy consumption.

‘Energy conservation projects’, projects to promote energy conservation, including but not limited to energy conserving modification to windows and doors; caulking and weather-stripping; insulation, automatic energy control systems; hot water systems; equipment required to operate variable steam, hydraulic, and ventilating systems; plant and distribution system modifications including replacement of burners, furnaces or boilers; devices for modifying fuel openings; electrical or mechanical furnace ignition systems; utility plant system conversions; replacement or modification of lighting fixtures; energy recovery systems; and, cogeneration systems.

‘Energy management services’, a program of services, including energy audits, energy conservation measures, energy conservation projects, or a combination thereof, and building maintenance and financing services, primarily intended to reduce the cost of energy and water in operating 1 or more buildings, which may be paid for in whole or in part, by cost savings attributable to a reduction in energy and water consumption which result from the services.

‘Energy management systems’, the design and installation of systems or maintenance programs to conserve energy use within a building, including, without limitation, performance-contracting energy saving projects; the installation or modification of new and existing equipment which will reduce energy and water consumption associated with heating, ventilation, and air conditioning system, lighting system, building envelope, domestic hot water system, and other energy and water using devices; and the work associated with monitoring and verifying project savings and the study or design of

the subject work, whether performed directly or managed through subcontractors.

‘Energy savings’, a measured reduction in fuel, energy, operating or maintenance costs resulting from the implementation of 1 or more energy management services when compared with an established baseline of previous fuel, energy, operating or maintenance costs, including, but not limited to, future capital replacement expenditures avoided as a result of equipment installed or services performed pursuant to the guaranteed energy savings contract.

‘Guaranteed energy savings contract’, a contract for the evaluation, recommendation or implementation of 1 or more energy management services in which payments are based, in whole or in part, on any energy savings attributable to the contract.

‘Person’, any natural person, business, partnership, corporation, union, committee, club, or other organization, entity or group of individuals.

‘Public agency’, a department, agency, board, commission, authority, or other instrumentality of the commonwealth or political subdivision of the commonwealth or 2 or more subdivisions thereof.

‘Qualified provider’, responsible and eligible person able to meet all requirements set forth in this section, and not debarred from bidding under section 44C of chapter 149 or any other applicable law and experienced in the design, implementation, and installation of energy savings measures.

‘Request for qualifications’, a solicitation directed to qualified providers issued by a public agency to obtain energy management services pursuant to a guaranteed energy savings contract subject to the provisions of this section. The request for qualifications shall include the following:—

(i) The name and address of the public agency.

(ii) The name, address, title, and phone number of a contact person.

(iii) The date, time, and place where qualifications must be received.

(iv) A description of the services to be procured, including a facility profile with a detailed description of each building involved and accurate energy consumption data for the most recent 2 year period, stated objectives for the program, a list of building improvements to be considered or required and a statement as to whether the proposed improvements will generate sufficient energy savings to fund the full cost of the program.

(v) The evaluation criteria for assessing the qualifications.

(vi) A statement that the public agency may cancel the request for qualifications, or may reject in whole or in part any and all energy savings measures, when the public agency determines that cancellation or rejection serves the best interests of the public.

(vii) Any other stipulations and clarifications the public agency may require, which shall be clearly identified in the request for qualifications.

‘Responsible’, demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work called for by a particular contract, based upon a determination of competent work-

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manship and financial soundness in accordance with the provisions of section 44D of chapter 149.

(b) A public agency may enter into a guaranteed energy savings contract in order to achieve energy savings at facilities in accordance with this section.

(c) All energy savings measures shall comply with current local, state, and federal construction and environmental codes and regulations.

(d) Before entering into a guaranteed energy savings contract, a public agency shall issue a request for qualifications. Public notice of the request for qualifications shall conform to the procedures set forth in subsection (1) of section 44J of chapter 149. At least 1 week before soliciting a request for qualifications for a guaranteed energy savings contract, a public agency shall notify the commissioner of energy resources in writing, in a form and including information as the commissioner of the division of capital asset management and maintenance shall prescribe by regulation, of the agency's intent to solicit qualifications. The notification, at a minimum, shall include a copy of the agency's request for qualifications. An acknowledgment of receipt, in a form and including information as the commissioner of the division of capital asset management and maintenance shall prescribe by regulation, shall be issued by the commissioner of energy resources to the public agency upon successful compliance with the requirements of this subsection. Qualifications shall be opened publicly, in the presence of 2 or more witnesses, at the time specified in the request for qualifications, and shall be available for public inspection. The provisions of sections 44A, 44B and 44E to 44H, inclusive, of chapter 149 shall not apply to contracts procured pursuant to this section. Section 44D of said chapter 149 shall apply as appropriate to qualifications submitted for contracts under this section, and every such qualification shall be accompanied by (1) a copy of a certificate of eligibility issued by the commissioner of the division of capital asset management, and (2) by an update statement.

The public agency shall evaluate the qualified providers to determine which best meets the needs of the public agency by reviewing the following:—

- (i) references of other energy savings contracts performed by the qualified providers;
- (ii) the certificate of eligibility and update statement provided by the qualified providers;
- (iii) quality of the products proposed;
- (iv) methodology of determining energy savings;
- (v) general reputation and performance capabilities of the qualified providers;
- (vi) substantial conformity with the specifications and other conditions set forth in the request for qualifications;
- (vii) time specified in the qualifications for the performance of the contract; and
- (viii) any other factors the public agency considers reasonable and appropriate, which factors shall be made a matter of record.

Respondents shall be evaluated only on the criteria set forth in the request for qualifications.

The public agency shall conduct discussions with, and may require public presentations by, each person who submitted qualifications in response to the request for qualifications regarding their qualifications, approach to the project, and ability to furnish the required services. The public agency shall select in order of preference 3 such persons, unless fewer persons respond, they consider to be the most highly qualified to perform the required services. The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations conducted pursuant to subsection (e).

(e) The public agency shall negotiate a contract with the most qualified person at compensation which the public agency determines is fair, competitive, and reasonable. Should the public agency be unable to negotiate a satisfactory contract with the person considered to be the most qualified at a price the public agency determines to be fair, competitive, and reasonable, negotiations with that person shall be formally terminated. The public agency shall then undertake negotiations with the second most qualified person. Failing accord with the second most qualified person, the public agency shall terminate those negotiations and then undertake negotiations with the third most qualified person. Should the public agency be unable to negotiate a satisfactory contract with any of the selected persons, the public agency may select additional qualified providers who responded to the request for qualifications, in the order of their competence and qualification, and continue negotiations in accordance with this subsection until either an agreement is reached or the public agency cancels the request for qualifications.

(f) The decision of a public agency as defined by section 1, regarding the selection of a qualified provider shall be final and not subject to appeal except on the grounds of fraud or collusion.

(g) The public agency shall provide public notice of the meeting at which it proposes to award the guaranteed energy savings contract, of the name of the parties to the proposed contract, and of the purpose of the contract. The public notice shall be made at least 10 days before the meeting. The public agency shall promptly publish in the central register notice of the award.

(h) The guaranteed energy savings contract shall include a written guarantee of the qualified provider that either the amount of energy savings guaranteed will be achieved or the qualified provider shall reimburse the public agency for the shortfall amount. Methods for measurement and verification of guaranteed savings shall conform to the most recent standards established by the Federal Energy Management Program of the U.S. Department of Energy. The commissioner of energy resources shall enforce the requirements of this section and regulations promulgated hereunder as they relate to public agencies except for state agencies and building authorities and shall have all the necessary powers to require compliance therewith. The commissioner of the division of capital asset management and maintenance shall enforce the regulations as they relate to state

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agencies and building authorities. Any order of the commissioner of energy resources under this subsection shall be effective and may be enforced according to its terms, and enforcement thereof shall not be suspended or stayed by the entry of an appeal therefrom. The superior court for Suffolk county shall have jurisdiction over appeals of orders of the commissioner of energy resources under this subsection, and shall also have jurisdiction upon application of the commissioner to enforce all orders of the commissioner under this subsection. The burden of proof shall be upon the appealing party to show that the order of the commissioner is invalid. An aggrieved person shall not be required to seek and order from the commission as a condition precedent to seeking any other remedy. The value of guaranteed savings may represent either all, or part of annual payments at the discretion of the agency. The guaranteed energy savings contract term for providing a guarantee, measurement and verification, maintenance, service and installment or lease payments shall not exceed 20 years. The division of capital asset management and maintenance, in concurrence with the state inspector general, shall promulgate regulations for the procurement of energy management services, including establishing safeguards to be included in guarantee energy savings contracts. The regulations shall require the submission, at least annually, of information as the commission of the division of capital asset management and maintenance and the state inspector general consider necessary in order to monitor the costs and benefits of contracts for energy management services.

(i) Payments under a contract for energy management services may be based in whole or in part on any cost savings attributable to a reduction in energy and water consumption due to the contractor's performance or revenues gained due to the contractor's services which are aimed at energy and water cost savings.

(j) Unless no other manner of description suffices, and the public agency so determines in writing, setting forth the basis for the determination, all requirements shall be written in a manner which describes the requirements to be met without having the effect of exclusively requiring a proprietary supply or service, or a procurement from a sole source.

(k) Before entering into a guaranteed energy savings contract, the public agency shall require the qualified provider to file with the public agency a payment or a performance bond relating to the installation of energy savings measures, in an amount equal to 100 per cent of the estimated contract value from a surety company licensed to do business in the commonwealth and whose name appears on United States Treasury Department Circular 570.

(l) Guaranteed energy savings contracts may extend beyond the fiscal year in which they become effective.

SECTION 5B. Section 1 of chapter 30B of the General Laws, as so appearing, is hereby amended by inserting after the word 'thirty', in line 6, the following words:—, section 11C of chapter 25A.”;

In section 11 (as printed), in lines 5 and 11, inserting after the word “gas”, in each instance, the words “, electricity, wood”, and in lines 12 and 17, striking out the date “February 28, 2006” and inserting in place thereof, in each instance, the date “March 31, 2006”;

In section 12 (as inserted by amendment by the House), in the first sentence, and also in section 13 (as inserted by amendment by the House), in the first sentence, striking out the date “December 1, 2005” and inserting in place thereof, in each instance, the date “November 1, 2005”;

In section 14 (as printed), in line 6, inserting after the word “customers” the following: “, as defined under chapter 164 of the General Laws”, and in lines 23 to 37, inclusive, striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(b) The department shall require a company that initially offers a low income customer who has an arrearage, but whose utility service has not yet been terminated, a payment plan of not less than 4 months including the initial down payment of 25 per cent of the balance owed, and the remaining repayment balance amounts shall be divided equally; but, a company that seeks a repayment agreement of less than 4 months shall request approval from the department for good cause shown. A company so requesting shall notify the customer that the request has been made. This paragraph shall not limit the right of a customer to request a payment plan of more than 4 months or limit the authority of the department to order a payment plan of more than 4 months either on an individual basis or through revisions to its billing and termination regulations.”;

In section 16 (inserted by amendment by the House), adding at the end thereof following paragraph:

“A municipal aggregator formed pursuant to section 134 of chapter 164 of the General laws and administering an energy efficiency plan certified by the department of telecommunications and energy shall not be required to contribute any funds for the loan program established by this section, whether from the aggregator's residential conservation service program or otherwise.”; and

Striking out sections 20, 21 and 22 (as inserted by amendment by the House) and inserting in place thereof the following three sections:

“SECTION 21A. Local authorities may amend existing energy service agreements to bring products and services to additional buildings or assets in the community. The amendments may be accomplished through negotiation with the selected energy services provider.

SECTION 21B. All guaranteed energy savings contracts, as defined in subsection (a) of section 11C of chapter 25 of the General Laws shall be compliant with prevailing wage statutes, sections 26 to 27D, inclusive, of chapter 149 of the General Laws.

SECTION 21C. A person working for a public agency, as defined in subsection (a) of section 11C of chapter 25 of the General Laws, shall abide by all applicable licensing laws of the commonwealth for contracts or work awarded under this act, including electrical, heating, plumbing, air conditioning and other categories subject to licensing.”; and

In section 22 (inserted by amendment by the House), in the first sentence, striking out the date “December 1, 2005” and inserting in place thereof the date “November 1, 2005”.

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Under suspension of Rule 35, on motion of Mr. Dempsey of Haverhill, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Mr. DeLeo of Winthrop then moved that the House concur with the Senate in its amendments with a further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4509.

The further amendment was adopted. The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

Paper from the Senate.

The following order, adopted by the Senate, was considered forthwith, there being no objection, and it was adopted, in concurrence:

Formal
session
and
carry-over.

Ordered, That, notwithstanding Joint Rule 12A, the House and Senate shall meet in formal sessions subsequent to the third Wednesday in November in the current year to consider any reports of committees of conference and any subsequent legislative action on any of the following bills: House bill No. 4378, relative to welfare reform; House bill No. 4479, promoting access to Health Care; House bill No. 4429, relative to economic investments to promote job creation, economic stability and competitiveness in the Massachusetts economy; and House bill No. 4443, making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects. Formal sessions to consider any such conference reports or any subsequent legislative action that have been filed shall be called by the President of the Senate and the Speaker of the House of Representatives at a time which shall be no sooner than 48 hours after the committee of conference report on House bill No. 4479 is filed with the Clerk of the House of Representatives.

Ordered, That, notwithstanding Joint Rule 12B, if final legislative action has not been taken on the above-mentioned bills, House bill No. 4473, House bill No. 4491, or Senate bill No. 2242 by the General Court prior to January 4, 2006, said matters shall continue to carry over into the 2nd annual session of the 184th General Court.”.

Reports of Committees.

Mrs. Harkins of Needham being in the Chair,—

Traffic
stops,
data
collection.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of John P. Fresolo and others for legislation to regulate the collection of data by police officers issuing citations for violations by operators of motor vehicles. Under suspension of the rules, on motion of Mr. Fresolo of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Kay Khan for legislation to authorize the teachers' retirement system to grant creditable service retirement service to Stuart Feedman. Under suspension of the rules, on motion of Ms. Khan of Newton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Stuart
Freedman,
retirement
benefits.

Order.

The following order (filed by Messrs. DiMasi of Boston and Jones of North Reading) was considered, there being no objection:

Ordered, That the House shall meet in a formal session subsequent to the third Wednesday in November in the current year to consider reports of committee of conference and any subsequent legislative action on any of the following bills: House bill No. 4378, relative to welfare reform; House bill No. 4479, promoting access to Health Care; House bill 4429, relative to economic investments to promote job creation, economic stability and competitiveness in the Massachusetts economy; and House bill No. 4443, making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects. A formal session to consider any such conference reports or any subsequent legislative action shall be held on December 20, 2005; provided that the committee on conference report on House bill No. 4479 is filed with the Clerk of the House of Representatives on or before December 15, 2005; and be it further

Formal
session.

Ordered, That, if final legislative action has not been taken on the above-mentioned bills, and matters contained therein which are reduced or disapproved by the Governor under the provisions of Section 5 of Article LXII of the Constitution as amended by Section 4 of Article XC of the Amendments to the Constitution, prior to their consideration in the House be printed on the Calendar by the Clerk and listed in the orders of the day.

After remarks on the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 152 members voted in the affirmative and 0 in the negative.

Order
adopted,
yea and nay
No. 314.

[See Yea and Nay No. 314 in Supplement.]

Therefore the order was adopted.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

Mr. Frost of Auburn then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-seven minutes after ten o'clock P.M. (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.